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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/771,880 | 01/30/2001 | Hiroshi Hagane | Q62767 | 2676 |

7590 05/02/2007
SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

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| EXAMINER |
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ORGAD, EDAN

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| ART UNIT | PAPER NUMBER |
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2618

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| MAIL DATE | DELIVERY MODE |
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05/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/771,880

Applicant(s)

HAGANE, HIROSHI

Examiner

Edan Orgad

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 13-17 and 19 is/are allowed.
- 6) ☒ Claim(s) 12, 18 and 20-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's argument are not Applicant's arguments filed 1/3/07 have been fully considered but they are not persuasive.

With respect to claims, 20, 22, 24, 27, 32 and 34, applicant argues that present amendment should put the application in condition for allowance because examiner conceded that the limitation added is not in Chen.

Examiner respectfully disagrees. In office action dated March 23, 2006, examiner conceded that *Chen fails to specifically teach that the information search function uses a packet communication furthermore, using the speech communication function while the terminal is performing an information search function using a packet communication further failing to disclose a state speech recognition means for recognizing a speech signal received by said speech control means and sent from said terminal and packet control means for transmitting at least one of image information and character information of the information searched by said information search means to said terminal by packet communication.*

Applicant has amended claims 20, 22, 24, 27, 32 and 34 to incorporate the limitation "information search using"... examiner fails to see how by adding the limitation "information search using equated to information search function uses a packet communication furthermore, using the speech communication function while the terminal is performing an information search function using a packet communication further failing to disclose a state speech recognition means for

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recognizing a speech signal received by said speech control means and sent from said terminal and packet control means for transmitting at least one of image information and character information of the information searched by said information search means to said terminal by packet communication.

Applicant's arguments with respect to claims 12 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20-36 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 20, 22, 24, 27, 32, 34, it is not clear what information is searched during the "searching means for searching for information based on said speech signal".

Examiner is not clear why the portable terminal sends text communication to the center but the center searches speech communication.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 18 and 20-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (European Patent Application # 859,500) in view Appelt et al (US 2003/0078766).

Regarding claims 12 and 18, Chen teaches radio means for performing radio communication with a base station to which the center is connected (Figure 1 and column 3, line 53- column 4, line 6); speech communication means for inputting/outputting a speech signal between said speaker and said microphone by performing speech communication with said center (column 2, lines 29 -38 and column 4, lines 54 - 58); communication control means for switching speech communication by said speech communication means and packet communication by said packet communication means (column 5, lines 23 - 35) and Chen further teach of packet communication means for outputting at least one of image information and character information to said display screen by performing packet communication with the center (Chen: column 5, lines 14 -35).

Chen teaches all of the above limitations but fails to specifically disclose execution of information search using the text communication with the center. However, in the related search art, Appelt teaches a **speech** recognition engine adapted to convert user **speech** to the natural language query and a **text-to-speech** engine adapted to convert the result of the **search to speech**. recognition of spoken language (§ 0014 and 0097).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Appelt text to speech searching methods with Chen's existing searching method in order to allow Chen to utilize the speech communication to do a text search and therefore reduce system resources by only utilizing one communication.

Regarding claims 20, 22, 24, 27, 29, 30, 32 and 34, Chen teaches a system, comprising a center having a speech communication and text communication function; and a portable terminal wherein said portable terminal comprises sending means for sending a speech signal to said center by said speech communication during execution of said text communication with said center; and wherein said center comprises: receiving means for receiving said speech signal (column 2, lines 29 - 38 and column 4, lines 54 - 58); searching means for searching for information based on said speech signal; and sending means for sending said information to said portable terminal by said text communication (Chen: column 5, lines 14 -35).

Chen teaches all of the above limitations but fails to specifically disclose execution of information search using the text communication with the center. However, in the related search art, Appelt teaches a **speech** recognition engine adapted to convert user **speech** to the natural language query and a **text-to-speech** engine adapted to convert the result of the **search to speech** recognition of spoken language (§ 0014 and 0097).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Appelt text to speech searching methods with Chen's existing searching method in order to allow Chen to utilize the speech communication to do a text search and therefore reduce system resources by only utilizing one communication.

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Regarding claims 21, 23, 25, 28, 33 and 35, Chen teaches said text communication is performed by packet communication (Chen: Figure 2 and column 4, lines 44 - 58).

Regarding claims 26, 31 and 36, Chen teaches display means (Chen: column 5, line 14-25).

Allowable Subject Matter

Claims 1-10 and 13-17 and 19 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 571-272-7884. The examiner can normally be reached on 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EDAN ORGAD
PRIMARY PATENT EXAMINER

Edan Orgad 4/27/07